both advance ordering and AVI.

By way of comparison, *Hall et al* teaches a way to process orders from customers in a mobile environment while avoiding the problems traditionally associated with drive-through services. The system can receive an order from a mobile customer and determine the customer's location, a facility capable of completing the order, and an estimated time of arrival of the customer.

The customer can pay by credit or debit card, in which case a card on file is charged automatically, or can pay by smart card, in which case the card is swiped at the customer location on fulfillment. However, payment is handled through a mobile customer premises equipment (MCPE) 105, such as a cellular telephone or a PC. The MCPE 105 runs a personal agent system (PAS) 210, which is capable of communication with a financial system 158 over a connection 116 to handle payment. As acknowledged in the Office Action, *Hall et al* neither teaches nor suggests the use of a wireless tag.

Kuykendall teaches a variety of payment techniques used at fast-food restaurants, including the use of toll-payment transponders. However, the techniques are limited to in-store use; there is no provision to receive information from mobile customers. It is not seen what *Kuykendall* adds to the hypothetical use of AVI discussed at the bottom of page 10 of the originally filed specification.

A person having ordinary skill in the art who had reviewed the applied references would not have been motivated to combine them as suggested in the Office Action. In terms of complexity, the applied references point in opposite directions. *Hall et al* requires the use of MCPE 105 capable of running a PAS 210 and connecting to a financial system 158. By contrast,

Kuykendall emphasizes the simplicity of paying with a toll transponder or keychain device. Therefore, a person having ordinary skill in the art would have concluded that combining the two references would have defeated the purpose of one or the other of them.

Further, since *Hall et al* teaches making payment through the PAS 210 running on the MCPE 105, the use of a transponder for payment would have been seen as superfluous and therefore non-obvious. The Office Action alleges that the use of a transponder "would increase the speed of delivery at the point of pickup." However, it is not seen how that would be the case, since *Hall et al* teaches payment methods that would already be at least as fast as the use of the transponder of *Kuykendall.*

Moreover, even if the references had been combined as suggested in the Office Action, the combination would still not have resulted in the present claimed invention. In such a combination of references, the step or means for identifying a wireless tag identification number corresponding to the identification provided would have been absent, since neither of the applied references teaches or suggests any such thing. Instead, in such a combination, the wireless tag identification number would become relevant for the first time when the customer arrived to pick up the order. Since there would have been no previous verification of the wireless tag identification number, the merchant would run the risk that the customer would not have a transponder capable of paying. The present claimed invention, with the step or means for identifying, thus provides an advantage that the combination of references would not have taught or suggested.

For the reasons set forth above, the Applicant respectfully submits that the present claimed invention is patentable over the applied combination of references. Therefore,